

Queensland



ANNO TRICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE



No. 44 of 1987

An Act to amend the Forestry Act 1959-1984 in certain particulars

[ASSENTED TO 21ST AUGUST, 1987]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Forestry Act Amendment Act 1987*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act or the provisions thereof specified by Proclamation shall commence on the day or days appointed by Proclamation for the commencement of this Act or, as the case may be, those provisions.

3. Citation. (1) In this Act the *Forestry Act 1959-1984* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Forestry Act 1959-1987*.

4. Amendment of s. 3. Parts of this Act. Section 3 of the Principal Act is amended by omitting all words from and including the words "PART IIA" to and including the words "*Division III—Miscellaneous Provisions;*" and substituting the following words:—

"PART IIA—TIMBER RESEARCH AND DEVELOPMENT
ADVISORY COUNCIL OF QUEENSLAND (ss. 22A—22V);"

5. Councils to cease to exist. Upon the commencement of this section, the Timber Research and Development Advisory Council of South and Central Queensland constituted under section 22A of the Principal Act and the Timber Research and Development Advisory Council of North Queensland constituted under section 22E of the Principal Act shall cease to exist and their respective members shall go out of office.

6. Amendment of heading to Part IIA. The Principal Act is amended by omitting from the heading to Part IIA the word "Councils" and substituting the words "Council of Queensland".

7. Omission of heading to Division I. The Principal Act is amended by omitting the heading immediately preceding section 22A.

8. Amendment of s. 22A. Constitution. Section 22A of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

"(1) Upon the commencement of section 5 of the *Forestry Act Amendment Act 1987*, there shall be constituted a body called

the “Timber Research and Development Advisory Council of Queensland”.”;

(b) omitting from subsection (2) the words “South and Central”;

(c) adding at the end of the section the following subsection:—

“(4) The Timber Research and Development Advisory Council of Queensland is hereafter referred to in this Part as the Council.”.

9. Amendment of s. 22B. Composition. Section 22B of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

“(1) The Council shall consist of a chairman and eleven other members.”;

(b) in subsection (2), omitting all words from and including the words “as are prescribed” to the end of the subsection and substituting the words “as are determined by the Minister from time to time for the purposes of subsection (4) (b)”;

(c) in subsection (4)—

(i) omitting the word “nine”, occurring in the general words preceding paragraph (a), and substituting the word “eleven”;

(ii) omitting paragraphs (b), (c) and (d) and substituting the following paragraphs:—

“(b) six shall be representatives of persons engaged in the timber industry, each pair representing an area of the State determined by the Minister by notification published in the Gazette—

(i) from a panel of names nominated jointly by such associations, boards or bodies as are determined for the relevant area by the Minister by notification published in the Gazette;

or

(ii) if a panel is not provided pursuant to subparagraph (i), from panels of names nominated by each of those associations, boards or bodies;

(c) two shall be representatives of the timber industry in the State.”.

10. Amendment of s. 22C. Functions. Section 22C of the Principal Act is amended by—

(a) omitting the words “Timber Research and Development Advisory Council of South and Central Queensland” and substituting the word “Council”;

(b) in paragraph (a)—

(i) omitting from subparagraph (i) the word “sawn”;

(ii) omitting from subparagraph (ii) the word “manufacturing” and substituting the word “processing”;

(iii) omitting from subparagraph (iii) the word “manufacturing”, where twice occurring, and substituting the word “processing” in each case;

(c) omitting the expression “,” occurring at the end of paragraph (b) and substituting the expression “.”;

(d) omitting the general words following paragraph (b).

11. Repeal of and new s. 22D. The Principal Act is amended by repealing section 22D and substituting the following section:—

“**22D. Savings and transitional.** (1) In this section the expression “former Council” means the Timber Research and Development Advisory Council of South and Central Queensland or the Timber Research and Development Advisory Council of North Queensland constituted under sections 22A and 22E respectively of the *Forestry Act 1959-1984*.

(2) Upon the commencement of section 5 of the *Forestry Act Amendment Act 1987*—

(a) any right or interest held by a former Council or power exercisable by a former Council shall be deemed to be held or exercisable by the Council;

(b) any duty or liability imposed on a former Council shall be deemed to be imposed on the Council;

(c) any proceeding in respect of any such right, interest, power, duty or liability may be instituted, continued or enforced by or, as the case may be, against the Council.

(3) Upon the commencement of section 5 of the *Forestry Act Amendment Act 1987*—

(a) any employee of a former Council shall be deemed to be employed by the Council pursuant to section 22K of this Act without loss of salary or other entitlements;

(b) all funds and property of a former Council shall be deemed to be transferred to the Council and to be the funds and property of the Council.”

12. Omission of heading to Division II. The Principal Act is amended by omitting the heading immediately preceding section 22E.

13. Repeal of ss. 22E—22H. The Principal Act is amended by repealing sections 22E, 22F, 22G AND 22H.

14. Omission of heading to Division III. The Principal Act is amended by omitting the heading immediately preceding section 22I.

15. Renumbering of ss. 22I—22Q. The Principal Act is amended by renumbering sections 22I, 22J, 22K, 22L, 22M, 22N, 22O, 22P and 22Q as sections 22E, 22F, 22G, 22H, 22I, 22J, 22K, 22L and 22M respectively.

16. Amendment of s. 22E. Tenure of office. Section 22E of the Principal Act, as renumbered by section 15 of this Act, is amended by—

(a) in subsection (1), before the word “Council” where twice occurring, omitting the word “a” and substituting the word “the” in each case;

(b) omitting from subsection (2) the word “a”, occurring before the word “Council”, and substituting the word “the”.

17. Amendment of s. 22F. Non-application of Public Service Act. Section 22F of the Principal Act, as renumbered by section 15 of this Act, is amended by, before the word “Council” where twice occurring, omitting the word “a” and substituting the word “the” in each case.

18. Amendment of s. 22G. Casual vacancies. Section 22G of the Principal Act, as renumbered by section 15 of this Act, is amended by—

(a) omitting the word “a”, occurring before the word “Council”, and substituting the word “the”;

(b) omitting the words “or 22F, as the case requires”.

19. Amendment of s. 22H. Failure to nominate. Section 22H of the Principal Act, as renumbered by section 15 of this Act, is amended by omitting the word “concerned”, where it twice occurs after the word “Council”.

20. Amendment of s. 22I. Disqualification. Section 22I of the Principal Act, as renumbered by section 15 of this Act, is amended by omitting the word “a”, occurring before the word “Council”, and substituting the word “the”.

21. Amendment of s. 22J. Proceedings. Section 22J of the Principal Act, as renumbered by section 15 of this Act, is amended by—

(a) omitting from subsection (1) the words “Chairman of a” and substituting the words “chairman of the”;

(b) omitting from subsection (2) the word “a”, occurring after the words “The members of”, and substituting the word “the”;

(c) omitting from subsection (3) the word “a”, occurring before the word “Council”, and substituting the word “the”;

(d) omitting from subsection (5) the word “a”, occurring before the word “Council”, and substituting the word “the”;

(e) omitting from subsection (6) the word “a”, occurring before the word “Council”, and substituting the word “the”.

22. Amendment of s. 22K. Appointment of employees. Section 22K of the Principal Act, as renumbered by section 15 of this Act, is amended by, before the word “Council” where twice occurring, omitting the word “a” and substituting the word “the” in each case.

23. Amendment of s. 22L. Superannuation scheme. Section 22L of the Principal Act, as renumbered by section 15 of this Act, is amended by—

(a) omitting the word “A”, occurring after the note to the section, and substituting the expression “(1) The”;

(b) omitting from paragraph (b) the words “(whether instituted before or after the commencement of the *Forestry Act Amendment Act 1984*)”;

(c) omitting the expression “:”, occurring before the proviso, and substituting the expression “.”;

(d) omitting the proviso;

(e) adding at the end of the section the following subsections:—

“(2) In subsections (3), (4) and (5)—

“former Council” means the Timber Research and Development Advisory Council of South and Central Queensland constituted under section 22A of the *Forestry Act 1959-1984*;

“superannuation deed” means the deed dated 24 April 1981 whereby the former Council instituted the Tradac Superannuation Scheme;

“Tradac Superannuation Scheme” means the scheme instituted and maintained by the former Council before the commencement of section 5 of the *Forestry Act Amendment Act 1987* to provide superannuation benefits to its officers and employees and their dependants.

(3) The Tradac Superannuation Scheme shall, upon the commencement of section 5 of the *Forestry Act Amendment Act 1987*, be deemed to have been instituted by the Council and shall be maintained by the Council for the benefit of—

(a) the officers and employees of the former Council who immediately before that commencement contributed to the scheme and who upon that commencement became officers and employees of the Council pursuant to section 22D (3) of this Act; and

(b) the dependants of those officers and employees.

(4) Upon the commencement of section 5 of the *Forestry Act Amendment Act 1987* a reference in the superannuation deed to the former Council shall be read as a reference to the Council.

(5) Nothing in subsection (3) prevents—

(a) officers or employees of the Council other than those referred to in paragraph (a) of that subsection from becoming contributors to the Tradac Superannuation Scheme;

(b) the Council from amending the Tradac Superannuation Scheme with the approval of the Governor in Council.”.

24. Amendment of s. 22M. Funds. Section 22M of the Principal Act, as renumbered by section 15 of this Act, is amended by—

(a) omitting from subsection (1) the word “A” and substituting the word “The”;

(b) renumbering subsection (3) as subsection (4);

(c) in subsection (2)—

(i) omitting the word “A” and substituting the word “The”;

(ii) inserting before the expression “section 22s” the expression “subsection (3) or”;

(d) inserting after subsection (2) the following subsection:—

“(3) The Council may accept grants, donations and gifts from any person.”;

(e) in subsection (4), as renumbered by paragraph (b) of this section—

(i) inserting after the words “General Fund shall” the words “, subject to subsection (5),”;

(ii) omitting the word “a”, occurring before the word “Council”, and substituting the word “the”;

(f) adding at the end of the section the following subsection:—

“(5) Moneys resulting from a grant, donation or gift that is subject to a condition restricting the purposes for which it may be used shall be separately identified in the General Fund and shall be applied by the Council in accordance with that condition.”.

25. Repeal of ss. 22QA-22QD. The Principal Act is amended by repealing sections 22QA, 22QB, 22QC and 22QD and substituting the following section:—

“**22N. Financial arrangements and investments.** (1) For the purpose of discharging its functions and exercising its powers

under this Act the Council may enter into financial arrangements within the meaning of the *Statutory Bodies Financial Arrangements Act 1982-1984* with the Treasurer or any other person and in respect of the Council as a statutory body within the meaning of that Act the provisions of Part IV of that Act other than sections 25A, 25B, 27(4), 28(4) and (5), 33 to 39 (both inclusive), 40 (4), 46, 47 (1) and (2) apply.

(2) The Council may invest any moneys, that are not immediately required for discharging its functions or exercising its powers under this Act, in any investment prescribed by section 48 of the *Statutory Bodies Financial Arrangements Act 1982-1984* as a permissible investment for a statutory body within the meaning of that Act and in respect of the Council as a statutory body within the meaning of that Act the provisions of Part V of that Act other than sections 49, 50 (1) and 52 apply.”.

26. Repeal of ss. 22QI and 22R. The Principal Act is amended by repealing sections 22QI and 22R.

27. Renumbering of ss. 22QE-22QH. The Principal Act is amended by renumbering sections 22QE, 22QF, 22QG and 22QH as sections 22O, 22P, 22Q and 22R respectively.

28. Amendment of s. 22O. Budget of a Council. Section 22O of the Principal Act, as renumbered by section 27 of this Act, is amended by—

(a) omitting from the note to the section the word “a” and substituting the word “the”;

(b) omitting from subsection (1) the word “a”, occurring before the word “Council”, and substituting the word “the”;

(c) omitting from subsection (3) the word “a”, occurring before the word “Council”, and substituting the word “the”;

(d) omitting from subsection (4) the word “a”, occurring before the word “Council”, and substituting the word “the”.

29. Amendment of s. 22P. Observance of budget. Section 22P of the Principal Act, as renumbered by section 27 of this Act, is amended by—

(a) omitting from subsection (1) the word “a”, occurring before the word “Council”, and substituting the word “the”;

(b) in subsection (2), before the word “Council” where twice occurring, omitting the word “a” and substituting the word “the” in each case;

(c) omitting from subsection (3) the word “A”, occurring before the word “Council”, and substituting the word “The”.

30. Amendment of s. 22R. Budget statement to be presented to meeting. Section 22R of the Principal Act, as renumbered by section 27 of this Act, is amended by—

(a) omitting from subsection (1) the word “a”, occurring before the word “Council”, and substituting the word “the”;

(b) omitting from subsection (2) the word “a”, occurring before the word “Council”, and substituting the word “the”.

31. Amendment of s. 22S. Additional stumpage. Section 22S of the Principal Act is amended by omitting from the second paragraph all words from and including the words “South and Central Queensland” to the end of the section and substituting the word “Queensland”.

32. Amendment of s. 22T. Estimate by Conservator. Section 22T of the Principal Act is amended by omitting the word “each” and substituting the word “the”.

33. Amendment of Second Schedule. The Second Schedule is amended in clause 28 by—

(a) omitting from the note to the clause the word “Councils” and substituting the word “Council”;

(b) omitting the words “a Timber Research and Development Advisory Council” and substituting the words “the Timber Research and Development Advisory Council of Queensland”;

(c) omitting from paragraph (c) the word “a” and substituting the word “the”;

(d) omitting from paragraph (e) the expression “22Q(1)(b)” and substituting the expression “22M(1)(b)”.